

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

AN INVESTIGATION INTO THE ELIMINATION)	
OF SWITCHED ACCESS SERVICES DISCOUNTS)	
AND ADOPTION OF TIME-OF-DAY SWITCHED)	ADMINISTRATIVE
ACCESS SERVICES RATES)	CASE NO. 336

O R D E R

This matter arising upon petition of MCI Telecommunications Corporation ("MCI") filed February 19, 1991 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its response to Item 5 of GTE South Incorporated's ("GTE South") data request of January 23, 1991 on the grounds that disclosure of the information is likely to cause MCI competitive injury, and it appearing to this Commission as follows:

MCI seeks to protect as confidential its response to Item 5 of GTE South's January 23, 1991 data request. That request seeks the proportion of MCI's total cost of providing intrastate switched MTS toll-type services in Kentucky that is accounted for by the originating and terminating switched access charges paid to local exchange companies. The information sought to be protected is not known outside of MCI and is known only to those MCI employees who have a legitimate business need to know and act upon the information.

807 KAR 5:001, Section 7, protects information as confidential when it is established that disclosure is likely to

cause substantial competitive harm to the party from whom the information was obtained. In order to satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

MCI contends that the information sought to be protected discloses with specificity MCI's traffic patterns and costs associated with those patterns. As such, the information could be used by MCI's competitors in devising competing market strategies. Examination of the information, however, shows that the information merely gives percentages of unknown quantities and does not disclose traffic patterns or specific costs. Therefore, it has no competitive value, and is not entitled to protection.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:


1. The petition to protect as confidential MCI's response to Item 5 of GTE South's January 23, 1991 data request be and it is hereby denied.

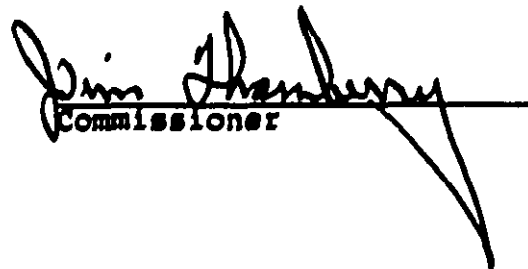
2. The information sought to be protected from disclosure shall be held as confidential and proprietary for a period of five working days from the date of this Order, at the expiration of which time, it shall be placed in the public record.

Done at Frankfort, Kentucky, this 26th day of March, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director